



MAIL STOP PETITION
2011 JUL 13 PM 4: 47 PATENT
40770B-000003/US

IN THE U.S. PATENT AND TRADEMARK OFFICE

APPLICANT: Hassan JOMAA 07/14/2011 DALLEN 00000022 6534489
01 FC:1599 400.00 OP
APPL. NO.: 09/856,789
PATENT NO.: 6,534,489
FILED: May 25, 2001
FOR: ORGANOPHOSPHOROUS COMPOUNDS AND THE USE THEREOF

PETITION FOR RECONSIDERATION UNDER 37 C.F.R. § 1.378(e)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

July 12, 2011

07/14/2011 DALLEN 00000023 6534489
01 FC:1599 830.00 OP

Dear Sir:

In response to the Decision of Petition mailed July 6, 2011, Applicants hereby respectfully petition for reconsideration under the provisions of 37 C.F.R. 1.378(e). The petition fee of \$400 is enclosed herewith as indicated in the attached "Decision on Petition."

A Petition to Revive an Unintentionally Abandoned Application was filed on May 16, 2011. An \$810.00 Surcharge fee and a \$1240.00 Maintenance fee was paid along with this Petition. In accordance with the Decision on Petition, Applicants note that a surcharge fee of \$1640 should have been paid. Although the Petition to Revive indicated that any deficient fee should have been charged to deposit account 08-0750, it was not. Thus, Applicants enclose the remaining \$830.00 fee for the surcharge payment. Thus, the enclosed two (2) checks are for the


\$400 Petition fee and the remaining \$830 surcharge. Applicants also enclose a Form PTO/SB/66 as requested by the Decision on Petition.

In the event that any matters remain at issue in the application, the Examiner is invited to contact Donald J. Daley at the telephone number set forth below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY AND PIERCE P.L.C.

By 
Donald J. Daley, Reg. No. 34,313

P.O. Box 8910
Reston, VA 20195
(703) 668-8000

Attachments

1219059.1



PTO/SB/66 (03-09)

Approved for use through 03/31/2012. OMB 0651-0016

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378 (c))**

Docket Number (Optional)

40770B-000003/US

Mail to: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Fax: (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent No. 6,534,489Application Number 09/856,789Issue Date March 18, 2003Filing Date May 25, 2001

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable

The above – identified patent

☐

Is a reissue of original Patent No. _____ original issue date _____

original application number _____

original filing date _____

☐

resulted from the entry into the U.S. under 35 U.S.C. 371 of international application _____

filed on _____

CERTIFICATE OF MAILING (37 CFR 1.89(a))

I hereby certify that this paper (*along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class main in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Date_____
Signature_____
Typed or Printed Name of Person Signing Certificate

[page 1 of 3]

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

1. SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 ½ yr fee	(1551)	<input type="checkbox"/> \$ _____	3 ½ yr fee	(2551)
<input type="checkbox"/> \$ _____	7 ½ yr fee	(1552)	<input type="checkbox"/> \$ _____	7 ½ yr fee	(2552)
<input type="checkbox"/> \$ _____	11 ½ yr fee	(1553)	<input type="checkbox"/> \$ _____	11 ½ yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ 0

4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) of \$ 830.00 (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of a maintenance fee.

SURCHARGE FEE BEING SUBMITTED \$ 830.00

5. MANNER OF PAYMENT

☒ Enclosed is a check for the sum of \$ 830.00

☐ Please charge Deposit Account No. _____ the sum of \$ _____

☐ Payment by credit card. Form PTO-2038 is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☒ The Director is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit Account No. 08-0750

7. OVERPAYMENT

As to any overpayment made please


OR ☒ Credit to Deposit Account No. 08-0750☐ Send refund check**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

8. STATEMENT

The delay in payment of the maintenance fee to this patent was unintentional.

9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED



Signature(s) of Petitioner(s)July 12, 2011

Date

Donald J. Daley

Typed or printed name(s)

34,313

Registration Number, if applicable

703-668-8000

Telephone Number

Address_____
Address

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

ENCLOSURES

☐ Maintenance Fee Payment☒ Surcharge under 37 CFR 1.20(i)(2) (fee for filing the maintenance fee petition)☐ _____



UNITED STATES PATENT AND TRADEMARK OFFICE



Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN NY 11576

MAILED
JUL 06 2011
OFFICE OF PETITIONS

In re Patent No. 6,534,489
Issue Date: March 18, 2003
Application No. 09/856,789
Filed: May 25, 2001
Attorney Docket No. JOMAA-1(PCT)

ON PETITION

This is a decision on the petition under 37 CFR 1.378(c), filed May 16, 2011, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within TWO (2) MONTHS from the mail date of this decision. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is not a final agency action within the meaning of 5 U.S.C. § 704.

Any petition for reconsideration of this decision must be accompanied by the petition fee of \$400 as set forth in 37 CFR 1.17(f). The petition for reconsideration must include the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

This patent expired on March 19, 2011 for failure to pay the seven and one half year maintenance fee. Since this petition was submitted within twenty-four months after the six-month grace period provided in 37 CFR 1.362(e), the petition was timely filed under the provisions of 37 CFR 1.378(c).

A petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. 41(c) and 37 CFR 1.378(c) must be accompanied by; (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2). This petition lacks item (3) above.

The appropriate payment of the surcharge was not submitted with petition. A total of \$2,050 was received herewith petition. The seven and one-half year maintenance fee is \$1,240 and the surcharge is \$1640 which is a total of \$2880. A payment of \$830 is needed to complete the payment of the surcharge.

Also, the incorrect petition form was filed the instant application. A petition to accept unintentionally delayed payment of the maintenance fee in an expired patent (37 CFR 1.378(c)) form PTO/SB/66 is required. The form PTO/SB/66 has been included for your convenience.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of fee address (form PTO/SB/47) and a request for customer number (form PTO/SB/125) should be filed in accordance with Manual of Patent Examining Procedure, section 2540. A courtesy copy of this decision is being mailed to the address on the petition. However, the Office will mail all future correspondence solely to the address of record.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries should be directed to Terri Johnson at (703) 571-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: Donald J. Daley
 P.O. Box 8910
 Reston, VA 20195

Enclosure: Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent, PTO/SB/66